

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-186-BO

KATHERINE HARRIS,
Plaintiff,

v.

STATE OF NORTH CAROLINA, ROY COOPER,
NORTH CAROLINA DEPARTMENT OF
PUBLIC INSTRUCTION, MARK JOHNSON,
CHERYL AUGUR, GARY AUSTIN and BARRY
SHEPHERD,
Defendants.

ORDER

This matter is before the Court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr., pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b). [D.E. 10]. The Court ADOPTS the M&R.

On April 27, 2018, plaintiff filed a complaint alleging she was wrongfully terminated from her employment with the North Carolina School System in 2007, in violation of several federal laws. [DE 1]. On May 22, 2018, plaintiff filed a motion to amend [DE 9], which was permitted as a matter of course. [DE 10 at 4]. She also moved for leave to proceed in forma pauperis [DE 6]. On July 10, 2018, Magistrate Judge Jones allowed her motion to proceed in forma pauperis, but recommended that plaintiff’s case be dismissed. [DE 10]. Plaintiff had fourteen days to object to the Memorandum and Recommendation, and he did not do so. Magistrate Judge Jones’ recommendation is now before this Court.


“The Federal Magistrates Act requires a district court to make a *de novo* determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C.

636(b). Absent timely objection, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (quotation omitted).

Having considered the M&R and record, the Court is satisfied that there is no clear error on the face of the record and accepts the Magistrate Judge’s recommendation. Plaintiff’s allegations of wrongful conduct are from 2007 and 2008, and the statute of limitations for her claims expired, at the latest, in October 2011. Her claims cannot proceed.

The Court ADOPTS the Magistrate Judge’s M&R. [DE 10]. Plaintiff’s case is DISMISSED.

SO ORDERED, this 29 day of August, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE